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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 KATHARINA KELTON,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL
15 SECURITY,

16 Defendant.

Case No. 1:21-cv-00917-BAK

ORDER ADVISING PARTIES OF LIFTING
OF STAY OF ACTION

ORDER AMENDING THE SCHEDULING
ORDER

(ECF Nos. 3, 10)

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18 On June 10, 2021, Plaintiff Katharina Kelton filed this action seeking judicial review of a
19 final decision of the Commissioner of Social Security (“Commissioner”) denying her application
20 for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On April 14, 2020,
21 General Order Number 615 issued staying all Social Security actions filed after February 1, 2020
22 until the Commissioner may begin normal operations at the Office of Appellate Hearings
23 Operations and may resume preparation of a certified copy of the administrative record. E.D.
24 Cal. G.O. No. 615. On March 1, 2022, the Commissioner filed a certified copy of the
25 administrative record. (ECF No. 10.) Accordingly, the parties are advised that the automatic
26 stay is lifted. Further, the Court shall modify the scheduling order as set forth below.

27 Accordingly, the parties are HEREBY NOTIFIED that the stay of this matter imposed by
28 General Order No. 615 has been lifted with the filing of the Administrative Record. Further, IT

1 IS HEREBY ORDERED that the scheduling order is amended as follows:

2 1. **Within 45 days of service of this order**, Plaintiff shall file the motion for
3 summary judgment;

4 2. **Within 45 days after service of Plaintiff's opening brief**, Defendant shall file
5 the responsive brief;

6 3. **Within 15 days after filing of Defendant's brief**, Plaintiff shall file the optional
7 reply brief;

8 4. Any motion for attorney fees shall be filed within 30 days after entry of final
9 judgment. Opposition or a statement of non-opposition shall be filed within 30 days thereafter.

10 5. All references to the record and all assertion of fact must be accompanied by
11 citations to the record. The opening and responsive brief shall contain the following:

12 (a) A description of the plaintiff's alleged physical or emotional impairments,
13 including when the plaintiff contends the impairments became disabling, and how these
14 impairments disable the plaintiff from work;

15 (b) A summary of all relevant medical evidence, including an explanation of
16 the significance of clinical and laboratory findings and the purpose and effect of prescribed
17 medication and therapy;

18 (c) A summary of the relevant testimony at the administrative hearing;

19 (d) A recitation of the defendant's findings and conclusions relevant to the
20 plaintiff's claims;

21 (e) A short, separate statement of each of the plaintiff's legal claims stated in
22 terms of the insufficiency of the evidence to support findings of fact or reliance upon an
23 erroneous legal standard; and

24 (f) Argument separately addressing each claimed error. Argument in support
25 of each claim of error must be supported by citation to legal authority and explanation of the
26 application of such authority to the facts of the particular case. Briefs that do not substantially
27 comply with these requirements will be stricken.

28 6. Requests for modification of this briefing schedule must be made by written

1 stipulation or motion and will be granted only for good cause. A request for a modification
2 brought on the filing deadline will be looked upon with disfavor. Local Rule 144(d).

3 7. Violations of this order or of the federal rules of procedure or the Local Rules
4 may result in sanctions pursuant to Local Rule 110.

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6 IT IS SO ORDERED.
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Dated: March 2, 2022


UNITED STATES MAGISTRATE JUDGE

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